

Executive Summary

The Tennessee General Assembly charged the Comptroller of the Treasury with devising and maintaining a weighted caseload formula, updating the formula at least annually, and annually publishing a weighted caseload report analyzing the current distribution of judicial positions and the need, if any, for new positions. The Office of Research contracted with the National Center for State Courts (NCSC) to conduct studies of the judicial, district attorney, and public defender workloads. The NCSC conducted a judicial weighted caseload study and subcontracted with two other consultants for the district attorney and public defenders studies. The three consultants released their final reports in April 1999. This report updates the judicial weighted caseload study.

- Using the consultants' formula and adjustments and the updated filing and judicial resource data, the Office of Research concludes that the need for judges has changed slightly. The state's judicial system needed 143.4 judges and had 158.5, ten percent more than the caseloads required. In comparison, the consultants had found that the system needed 147.51 judges and had 158.5, which was seven percent more than was required.
- From 1997/1998 to 1998/1999, the individual districts' excess/deficit of judicial resources did not change substantially. In 1997/1998, five districts had an excess of more than one judicial resource full time equivalent per district. In 1998/1999, this increased to seven districts. In 1997/1998, two districts were short more than one full time equivalent per district, and in 1998/1999, only one district had a deficit of more than one.
- The decrease in need for judicial resources from 1997/1998 to 1998/1999 is attributable to a decrease in filing with no change in judicial resources.
- The Office of Research needs more trend data before predicting whether decreased filings in 1998/1999 indicate a downward trend.

Introduction and Background

The efficient distribution of resources for judges, district attorneys, and public defenders helps ensure constitutional rights under the Fifth and Sixth Amendments to the U.S. Constitution, which address the rights of due process and expeditious adjudication of legal matters. Additionally, efficient distribution is in the best interest of the taxpayer.

A weighted caseload study is a method of assessing the efficient distribution of judicial resources. Weighted caseload studies assume that cases differ in complexity and require varying amounts of resources. The studies help translate caseload to workload by determining the average time needed from filing to disposition for each type of case.

In 1999, the Tennessee General Assembly passed Public Chapter 311 requiring the Comptroller to:

- Devise and maintain a weighted caseload formula for the purpose of determining the need for creation or reallocation of judicial positions, using case weights derived from the most recent weighted caseload study.
- Update the formula at least annually.
- Annually publish a weighted caseload report analyzing the current distribution of judicial positions throughout the state as well as the current need, if any, for creation or reallocation of such positions.
- Adjust the formula as necessary to reflect the impact of any legislative enactment material to judicial caseloads.

In 1997, the Tennessee General Assembly directed the Comptroller to conduct a study of the state judicial system. The Comptroller's Office of Research retained the services of the National Center for State Courts to conduct studies of the judicial, district attorney, and public defender workloads. The National Center for State Courts conducted a judicial weighted caseload study and subcontracted with the American Prosecutors Research Institute to conduct the district attorneys study and The Spangenburg Group to conduct the public defenders study. The consultants released final reports in April 1999.

Conducting time studies and using 1997/1998 filing and disposition data and 1998/1999 judicial resource data, the consultants found that Tennessee's judicial system consisted of 158.5 full-time equivalent (FTE) judges¹ with 10.74 more FTE than the caseloads required. The consultants also concluded that the state had 369 FTE and needed 128.36 additional district attorneys. The consultants further determined that the state had 249 FTE and needed 57 additional public defenders.

¹ Judges included chancellors and any judicial officers that were available to assist in processing the judicial workload. Judicial officers included magistrates, child support referees, special masters, clerk and masters that do judicial work, and any retired judges that assist as needed.

Explanation of the NCSC Weighted Caseload Study

In order to create a weighted caseload formula, the consultants needed to know the time spent processing various kinds of cases, the time spent on various stages or procedural events (referred to as case events), and number of cases filed and disposed of annually.

Sample

The steering committee² sampled representative districts of the 31 judicial districts. (*See Appendix 1 for the 31 districts*). The members classified each of the districts as urban, rural, or transitional, and used the following criteria to choose which districts to sample:

- Variability in number of judges
- Variability in urban vs. rural districts
- Variability in geographic location within State of Tennessee
- Variability in travel requirements
- Variability in specialization or distinct division of labor
- Avoidance of districts that had a large turnover of judges, public defenders, or district attorneys general in August 1998 election
- Willingness of the judges (as well as the public defenders and district attorneys general) to participate

The committee selected 13 districts: three urban, five rural, and five transitional. However, a tornado struck one of the transitional districts, rendering it unable to complete the study, leaving 12 participating districts. Of those 12 districts, 92 percent of the judges took part in the study.

Length of Study Period

The consultants chose a six week period³ in which to collect information about how judges' time is spent. In determining the time period, the consultants considered the number of districts participating, the number of judges participating, the number of case types measured, and the volume of filings. The consultants acknowledged that few cases would be filed and reach final disposition during the study period and asserted that the focus of the study was on measuring the time spent on procedural events.

Case Type

The state courts report 43 different case types to the Administrative Office of the Courts (AOC). (*See Appendix 2 for the 43 case types*). The consultants and the steering committee categorized these types into eight types for the study. During the six week period, the judges reported the time they spent on casework according to the eight types.

² The committee members were the AOC Director; members of the judiciary from the 30th, 16th, and 13th Districts; the Executive Director of the District Attorneys General Conference, District Attorneys General from the 20th, 2nd, and 8th Districts; the Executive Director of the District Public Defenders Conference, Public Defenders from the 5th, 24th, and 26th Districts; the Deputy Executive Director of the Tennessee Bar Association; a state representative; a state senator; and representatives of Lt. Gov. Wilder's Office, Speaker Naifeh's Office, and the Comptroller's Office.

³ The consultants used data from six weeks of a seven and a half week period of October 5, 1998 to November 25, 1998. One and a half weeks were not used to allow the judges to have a "warm-up" period and to attend a conference.

Of the eight case types, four were combined (civil and civil appeals were combined into one type; and criminal and criminal appeals were combined into one), resulting in six types for the final report:

- Civil
- Domestic
- Probate
- Felonies
- Misdemeanors
- Criminal-Other

Case Event

The steering committee categorized procedural events into eight types. During the study period, the judges were asked to report their time by these eight categories:

- Pretrial hearings/Motions
- Bench trial/Juvenile adjudication
- Jury trial
- Adjudication/Non-trial disposition hearings
- Posttrial/Adjudication/Disposition hearings
- Case-related administration
- Noncase administration
- Travel

Disposition Count

Although the judges recorded dispositions in their time study, the AOC also provided disposition data for the consultants. Because different districts count dispositions in various ways, the consultants and the steering committee agreed to standard dispositions. All charges against one defendant for one incident were classified as one filing, thus one disposition.

Adjustment

The consultants adjusted the reported dispositions because not all of the 12 time study districts had 100 percent participation. The three districts with less than 100 percent participation had their dispositions adjusted by the percentage of judicial participation. In District 13, only 60 percent of the dispositions were counted; in District 25, only 75 percent were counted; and in District 30⁴, only 83 percent were counted.

Case Weights

From the results of the time study, the consultants summed the total number of minutes per case type for all judges and divided the total by the number of dispositions for each case type. In the time study, the judges reported 19,110 minutes of time spent on case-related administration without specifying a case type. The consultants “distributed” the 19,110

⁴ Shortly before the publication of this report, the consultants informed the Office of Research that they may have incorrectly stated the probate case weight because all of District 30’s probate judges participated in the time study. As of the time of publication of this report, the Office of Research had been unable to get further detail on this matter, and for this reason, did not change the probate case weight.

minutes by the proportion of the case type. For example, if civil cases were 33 percent of a case type, 33 percent of the 19,110 minutes was added to the total time reported for civil cases.

The consultants calculated the following statewide case weights:

Civil	90
Domestic	43
Probate	63
Felonies	65
Misdemeanors	30
Criminal-Other	60

These case weights indicate that the average civil case, for example, took 90 minutes of judicial time, the average domestic case took 43 minutes, and so forth.

The consultants calculated case weights for urban, rural, and transitional districts. They determined that it took longer to process civil, domestic, felony, and misdemeanor cases in rural districts than in urban. The consultants opined that the higher volume of the urban districts gave them an economy of scale that allowed them to process cases faster because they were able to aggregate some procedures. Also, they found that urban districts are specialized into civil and criminal divisions that could also permit them to process cases faster. Urban districts took longer to process probate cases, and the consultants suggested that urban districts' probate cases could be more complex.

Filings Count

The AOC provided the annual filings data. The consultants used the filings for the previous year to validate their model. They also stated that they substantiated the accuracy of the case weights by comparing the current filings count to existing judicial resources.

Workload Calculation

A district's workload is the number of minutes required for that district to process its caseload annually. The workload is the sum of the case weights multiplied by the number of filings per case type. The consultants calculated the workload for each judicial district.

For example, for District 1:

<u>Case types</u>	<u>Case weights</u>		<u>District 1 filings</u>	<u>Workload</u>
Civil	90	x	1,356	= 122,040
Domestic	43	x	2,307	= 99,201
Probate	63	x	224	= 14,112
Felonies	65	x	1,362	= 88,530
Misdemeanors	30	x	719	= 21,570
Criminal-Other	60	x	145	= <u>8,700</u>
Total workload for District 1				354,153

Adjustment

Although the steering committee designated each of the 31 districts as urban, rural, or transitional, the consultants determined that the rural districts had case weights higher than the statewide case weight “because of factors intrinsic to the size of the court.” Thus, the consultants arbitrarily increased the workload values of the 20 rural districts by 15 percent.

Judge Year Value

The judge year value is the amount of time on average that a judge has to process his/her workload annually. The steering committee, with input from the consultants, agreed on 1,736 hours (104,160 minutes) per year.

Adjustments

Although the judges in the time study specified the time they spent traveling and time spent on non-case related work, the consultants adjusted the judge year value for travel and non-case related work.

The consultants characterized each of the 12 time study districts (which were already designated as rural, urban, or transitional) as high, medium, or low travel. The consultants calculated the average minutes of travel per judge day during the study for each district and characterized the districts by the number of courthouses in the district. The consultants created three classifications of travel times: high travel (9,154 minutes per year), medium travel (6,225 minutes per year), and low travel (280 minutes per year).

The consultants applied these classifications to the other 19 judicial districts. They then subtracted the high, medium, or low average travel times for each district from the district’s judge year value to create an adjusted judge year value.

The consultants also adjusted the judge year value for non-case related work. The consultants calculated the number of minutes spent on non-case related work for “presiding judges,” “judges,” and “judicial officers.” They weighted the three values to develop the statewide average of 13,243 minutes per year. The consultants subtracted 13,243 from the judge year value for each district.

For example, for District 1:

Gross judge year	104,160 minutes
Travel adjustment (medium travel)	(6,225)
Non-case related work adjustment	<u>(13,243)</u>
District 1 adjusted judge year	84,692 minutes

Judicial Resource⁵ Count

The AOC provided information regarding the number of judges and judicial officers per district. The consultants found that although each county had a Clerk and Master, not all worked full time. Because of the difficulty of quantifying the Clerk and Master time, the consultants noted with a “yes” if the district had a Clerk and Master who worked half-time or more assisting with the judicial workload or a “no” if not.

Adjustment

The consultants counted each full-time child support referee as .75. The consultants explained that “due to the specialized nature of their work they are not as flexible as a judge in assisting with the judicial caseload.” Tennessee had 7.5 child support referees during 1998/1999.

Resources Needed

The consultants divided the adjusted workload by the adjusted judge year value to determine the number of full-time equivalent (FTE) judicial resources needed. For example, District 1 had judicial resources of five FTE. The district needed only 4.18 FTE. Five minus 4.18 equals .82. Thus, District 1 had .82 more FTE than its workload required.

The consultants broke down the resources needed by civil and criminal cases. For example, District 1 needed 2.7789 FTE for civil cases and 1.4027 FTE for criminal cases:

<u>Case types</u>	<u>Case weights</u>		<u>District 1 filings</u>	<u>Sum</u>
Civil	90	x	1,356	= 122,040
Domestic	43	x	2,307	= 99,201
Probate	63	x	224	= 14,112

Total civil workload 235,353

$$\frac{\text{Total civil workload}}{235,353} \div \frac{\text{Adjusted judge year}}{84,692} = \frac{\text{Civil resources needed}}{2.7789}$$

<u>Case types</u>	<u>Case weights</u>		<u>District 1 filings</u>	<u>Sum</u>
Felonies	65	x	1,362	= 88,530
Misdemeanors	30	x	719	= 21,570
Criminal-Other	60	x	145	= 8,700

Total criminal workload 118,800

$$\frac{\text{Total criminal workload}}{118,800} \div \frac{\text{Adjusted judge year}}{84,692} = \frac{\text{Criminal resources needed}}{1.4027}$$

⁵ Judicial resources include the number of full-time equivalent (FTE) judges and chancellors and any judicial officers that are available to assist in processing the judicial workload. Judicial officers include magistrates, child support referees, special masters, clerk and masters that do judicial work, and any retired judges that assist as needed.

Total resources needed for District 1

Civil	2.7789
Criminal	<u>1.4027</u>

Total 4.1816 = 4.18

Overall, the consultants concluded that 147.51 judges were needed for the then current judicial system; Tennessee had 151 judges and 7.5 child support referees; thus, the state had 10.99 more FTE than the statewide workload required.

Current Status of the Judicial System

Using consultants' case weights and the 1998/1999 filings and judicial resource count, the Comptroller's office updated the consultants' formula. Using data from the AOC, the Comptroller's office found that filings decreased slightly, and using the consultants' formula, the state had 15.1 more FTE than the statewide workload required.

Disposition Count and Case Weights

Although the AOC updated the disposition data, the Office of Research did not update the disposition data in the formula. Public Chapter 311 directed the Office of Research to use the case weights derived from the most recent weighted caseload study.

Filings Count

The AOC provided the 1998/1999 filings data. As they did for the consultants, the AOC standardized the filings data that they provided to the Comptroller. Overall, total filings decreased by almost 6,000 (three percent). The most notable decrease was in misdemeanors (13 percent). Criminal-Other filings increased by 24 percent. This category is approximately three percent of the overall filings.

Workload Calculation

Applying the consultants' adjustments, in 1998/1999, 21 districts had decreased workloads, and some experienced significant decreases. For instance, the workload of District 29 decreased by 22 percent, apparently because of the aggregate decrease in its civil filings of approximately 26 percent. However, its criminal filings increased. Also, the workload of District 16 decreased by 108,667 (20 percent). The District 16 workload decrease was due primarily to the 54 percent decrease in misdemeanor filings.

However, District 14 had an increase of approximately 15 percent from 1997/1998 to 1998/1999. Its civil filings increased by 37 percent, while its aggregate criminal filings decreased by six percent.

The following are the 1997/1998 and 1998/1999 adjusted workloads and the increase/decrease:

<u>District</u>	<u>1997/1998</u>	<u>1998/1999</u>	<u>Increase/Decrease</u>	<u>Percent Change</u>
1	354,456	318,690	(35,366)	(.10)
2	314,325	307,918	(6,407)	(.02)
3	408,309	405,872	(2,457)	(.006)
4	427,746	392,812	(34,934)	(.08)
5	185,749	197,302	11,553	.06
6	1,024,330	979,676	(44,654)	(.04)
7	185,718	178,555	(7,163)	(.04)
8	246,404	238,895	(7,508)	(.03)
9	159,274	150,564	(8,710)	(.05)
10	399,670	396,702	(2,968)	(.007)
11	748,935	774,079	25,144	.03
12	323,528	355,186	31,657	.10
13	309,662	292,897	(16,765)	(.05)
14	138,641	159,730	21,090	.15
15	264,138	276,060	11,922	.05
16	539,343	430,830	(108,513)	(.20)
17	213,546	228,092	15,546	.07
18	291,655	302,250	10,595	.04
19	381,452	342,087	(39,365)	(.10)
20	1,503,385	1,540,582	37,197	.02
21	288,285	270,291	17,994)	(.06)
22	367,302	367,519	217	.0006
23	258,397	252,173	(6,224)	(.02)
24	233,429	232,957	(473)	(.002)
25	334,767	318,044	(16,723)	(.05)
26	294,932	283,801	(11,131)	(.04)
27	173,420	168,110	(5,310)	(.03)
28	181,968	176,166	(5,802)	(.03)
29	172,716	134,451	(38,265)	(.22)
30	2,029,464	1,916,995	(112,469)	(.06)
31	89,473	81,679	(7,795)	(.09)

Adjustments

As stated earlier, the consultants adjusted the judge year value for travel and non-case related work. The Office of Research also made these adjustments.

Judicial Resource Count

The AOC provided information regarding the number of judges and judicial officers per district. Because of the difficulty with quantifying the Clerk and Master time, the AOC did not update this information. However, because a Clerk and Master may be a judicial resource, the existence of that office could impact the distribution of judicial resources and should be acknowledged.

Adjustment

The Office of Research, as did the consultants, counted each full-time child support referee as .75. The state had 7.5 child support referees in 1998/1999, the same amount as in 1997/1998. The consultants' report must be corrected in two respects: District 30 was erroneously cited as having a child support referee; it did not have one in either 1997/1998 or 1998/1999. The consultants erroneously cited District 31 as having no child support referees; it had one in 1997/1998 and in 1998/1999.

Resources Needed

Using 1998/1999 filing data and judicial resource counts, it appears that the system had 15.1 more FTE judicial resources than the caseloads required.

Some districts had more judicial resources than their workloads required, and some did not have enough resources. The following are the districts' 1997/1998 and 1998/1999 judicial resource excesses or deficits as measured by FTEs. The last column shows whether the districts improved or did not improve from 1997/1998 to 1998/1999. (*See Appendix 3 for graph*).

For example, in 1997/1998, District 1 had resources of .82 FTE in excess of what its workload required. In 1998/1999, the district had 1.24 more than was required. District 1's resource to workload proportion did not improve because its FTE excess increased from 1997/1998 to 1998/1999.

<u>District</u>	1997/1998 Excess or <u>Deficit</u>	1998/1999 Excess or <u>Deficit</u>	<u>Increase/Decrease</u>
1	.82	1.24	.42
2	1.05	1.11	.06
3	.94	.96	.02
4	.60	1.01	.41
5	.05	(.08)	(.13)
6	(.52)	(.06)	.46
7	(.04)	.03	.07
8	.75	.83	.08
9	1.87	1.97	.10
10	1.04	1.07	.03
11	.76	.46	(.30)
12	.80	.41	(.39)
13	1.22	1.42	.20
14	.47	.24	(.24)
15	.77	.62	(.15)
16	(1.37)	(.09)	1.28
17	.49	.31	(.18)
18	(.21)	(.33)	(.13)
19	(.50)	(.04)	.46
20	(1.56)	(2.00)	(.44)
21	.60	.81	.20

22	(.33)	(.34)	(.01)
23	.59	.67	.07
24	.15	.15	.00
25	(.08)	.11	.19
26	.52	.65	.13
27	(.04)	.02	.06
28	(.14)	(.08)	.06
29	(.04)	.41	.45
30	2.38	2.85	.47
31	<u>(.05)</u>	<u>.79</u>	<u>.84</u>
	10.99	15.10	4.11

Five districts had an excess of more than one FTE in 1997/1998 (Districts 2, 9, 10, 13, 30). These districts' excess increased from 1997/1998 to 1998/1999. In 1998/1999, this increased to seven districts (Districts 1, 2, 4, 9, 10, 13, and 30).

Districts 16 and 20 had a deficit of more than one FTE in 1997/1998. District 16 improved because its deficit decreased to less than one FTE in 1998/1999. As stated earlier, this district had a decrease in filings of 26 percent from 1997/1998 to 1998/1999, which resulted in a decreased workload. District 20's deficit increased to two FTE in 1998/1999.

Conclusion

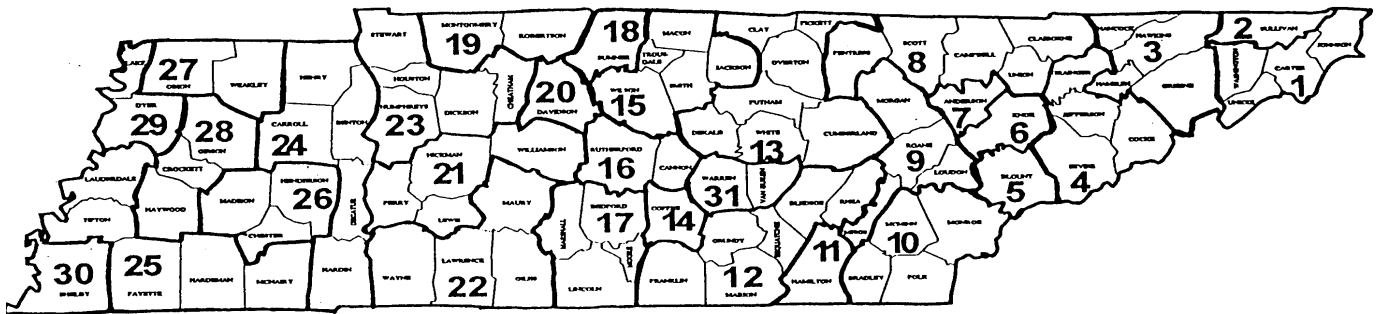
Using the consultants' formula and adjustments and the AOC's updated filing and judicial resource data, the state's judicial system had 15.1 (ten percent) more judicial resource FTE than the caseloads required. In comparison, in 1997/1998, the system had an excess of 10.99 (seven percent) of judicial resource FTE.

As with the statewide total FTE, the individual districts' excess/deficit did not change substantially. In 1997/1998, five districts had an excess of more than one FTE per district. In 1998/1999, this increased to seven districts. In 1997/1998, two districts were short more than one FTE per district, and in 1998/1999, only one district had a deficit of greater than one.

The increase in FTE from 1997/1998 to 1998/1999 is partly because of a decrease in filings with no change in judicial resources. The Office of Research needs more trend data before concluding whether this indicates a long-term trend.

Appendix 1

TENNESSEE JUDICIAL DISTRICTS



- District 1 - Carter, Johnson, Unicoi, and Washington Counties
- District 2 - Sullivan County
- District 3 - Greene, Hamblen, Hancock, and Hawkins Counties
- District 4 - Cocke, Grainger, Jefferson, and Sevier Counties
- District 5 - Blount County
- District 6 - Knox County
- District 7 - Anderson County
- District 8 - Campbell, Claiborne, Fentress, Scott, and Union Counties
- District 9 - Loudon, Meigs, Morgan, and Roane Counties
- District 10 - Bradley, McMinn, Monroe, and Polk Counties
- District 11 - Hamilton County
- District 12 - Bledsoe, Franklin, Grundy, Marion, Rhea, and Sequatchie Counties
- District 13 - Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, and White Counties
- District 14 - Coffee County
- District 15 - Jackson, Macon, Smith, Trousdale, and Wilson Counties
- District 16 - Cannon and Rutherford Counties
- District 17 - Bedford, Lincoln, Marshall, and Moore Counties
- District 18 - Sumner County
- District 19 - Montgomery and Robertson Counties
- District 20 - Davidson County
- District 21 - Hickman, Lewis, Perry, and Williamson Counties
- District 22 - Giles, Lawrence, Maury, and Wayne Counties
- District 23 - Cheatham, Dickson, Houston, Humphreys, and Stewart Counties
- District 24 - Benton, Carroll, Decatur, Hardin and Henry Counties
- District 25 - Fayette, Hardeman, Lauderdale, McNairy, and Tipton Counties
- District 26 - Chester, Henderson, and Madison Counties
- District 27 - Obion and Weakley Counties
- District 28 - Crockett, Gibson, and Haywood Counties
- District 29 - Dyer and Lake Counties
- District 30 - Shelby County
- District 31 - Van Buren and Warren Counties

Appendix 2

Case Types

Criminal

Assault

Burglary

Drugs

DUI

Homicide

Kidnapping

Offenses Against Administration of Government

Offenses Against the Family

Other

Other Motor Vehicle Offenses

Other Offenses Against Property

Other Offenses Against Public Health, Safety & Welfare

Other Offense Against the Person

Post-Conviction Relief, Probation Violation, Petition, Motion or Writ

Robbery

Sexual Offense

Theft

Civil

Eleven Domestic case types

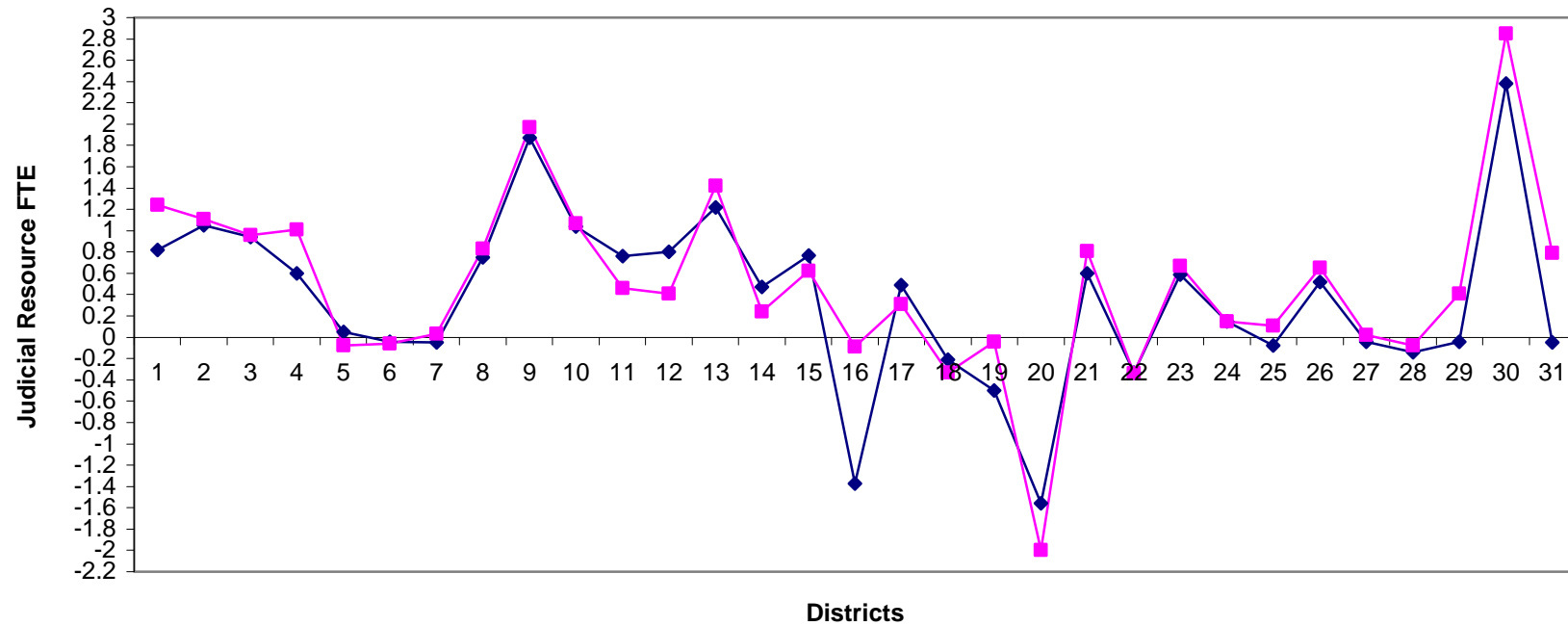
Seven Civil case types

Five Probate case types

Three Civil Appeals case types

Appendix 3

**Judicial Resource Full-time Equivalent (FTE)
by District for 1997/1998 and 1998/1999**



◆ 1997/1998

■ 1998/1999